

(f) The jurisdiction over and control of said grade crossings and safety devices upon the State highway system herein given the State Highway Commission shall be exclusive. Jurisdiction

(g) From any order or decision so made by the State Highway Commission the railroad company may appeal to the Superior Court of the county wherein is located the crossing affected by said order. Such appeal shall not defer or delay the construction of such underpass or overpass or the installation of such safety device as required by the order of the commission, but the railroad company shall proceed to comply with such order in accordance with its terms. The action of the railroad company in complying with and carrying out such order pending said appeal shall not prejudice or affect the rights or remedies of such railroad company on such appeal. Upon such appeal the court shall determine only whether the order of the commission for such construction or installation is unreasonable and unnecessary for the protection of the traveling public and the apportionment of the cost to the extent hereinafter provided in this subsection, and if upon the hearing of said appeal it shall be determined that said order was unnecessary for the protection of the traveling public, the State Highway Commission shall bear the total cost of the construction of such underpass or overpass or the installation of such safety device. In event the decision on appeal should be that the construction or installation was necessary but the cost thereof unreasonable, then the railroad company shall bear its proportion (not to exceed fifty per cent) of such cost as may be determined on appeal would have been reasonable to meet the necessity in the instant case. Upon said appeal from an order of the State Highway Commission, the burden of proof shall be upon the railroad company, and if it shall not be found and determined upon said appeal that said order was unreasonable or unnecessary for the protection of the traveling public at said crossing, then such railroad company shall bear its proportion of the cost of such construction or installation in accordance with this act. May appeal to  
Superior Court  
  
No appeal shall  
prejudice rights  
of parties.  
  
Cost of appeal  
apportioned.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws  
repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.